

**BEFORE THE MAHARASHTRA REAL ESTATE REGULATORY
AUTHORITY, PUNE**

**SUO MOTU ADVERTISEMENT/
PUNE CASE NO. 30 OF 2024**

MahaRERA on its own Motion Complainant

Versus

Anuj Mathur Realtors Respondent

MahaRERA Agent Registration No.A52100001379

Coram:Shri.F.D.Jadhav, Dy.Secretary-Cum-Head

Appearance :-Anuj Mathur Respondent-Agent.

ORDER

27th February, 2024
(Through Video Conferencing)

1. The present case has been initiated by MahaRERA Suo-motu against the real estate agent Mr.Anuj Mathur Realtors for publishing advertisement of real estate project in daily newspaper "Maharashtra Times" dated 20-01-2024 of the project within PMC limits at Bavdhan, Pune which is not registered with MahaRERA and thereby violated the provisions of Section-10(a) of the Real Estate (R & D) Act, 2016. (hereinafter referred to as 'Act 2016')
2. Respondent-Agent has filed his reply on 16.02.2024 wherein he has contended that he had published the impugned advertisement strictly for the lead generation purpose and not for promoting any individual specific project. According to him the images shown in the advertisement are randomly picked up from the

internet. The Respondent-Agent has further contended that this was his first time at print advertising of such a size and measure and that too with a building picture in a newspaper, and therefore probably he missed on the logic of finding out and adding MahaRERA registration number and QR code applicable to the picture in question. The Respondent-Agent has fairly accepted his mistake and prayed for granting him the benefit of doubt.

3. Heard Respondent-Agent Mr. Anuj Mathur. He has reiterated the same contentions as raised out in his reply. He has unequivocally admitted that he has published the impugned advertisement in daily newspaper "Maharashtra Times" with an image of constructed buildings. It is further argued by the Respondent-Agent that this is his first time to advertise in a newspaper and therefore he might have missed the RERA compliance. Therefore he prayed for leniency in this matter while imposing penalty under Section-62 of the Act, 2016.
4. It can be seen from the record that the show cause notice dated 29-01-2024 has been issued to the Respondent-Agent for violation of Section-10(a) as well as for violation of MahaRERA order No.46B/2023 read with MahaRERA Order No.46/2023. However, it can be seen from record that further notice of hearing has been issued to the Respondent-Agent on 22-02-2024 in respect of violation of only Section-10(a) read with Section-62 of the Act, 2016. Considering the evidence on record it is to be stated that this Authority is considering only the issue of violation of Section-10(a) by Respondent in this matter.

5. At this juncture Section-10(a) of the Act, 2016 is relevant in this matter which reads as under:

Section-10: Functions of real estate agents : Every real estate agent registered under Section-9 shall-

(a) "not facilitate the sale or purchase of any plot, apartment or building, as the case may be, in a real estate project or part of it, being sold by the promoter in any planning area, which is not registered with the Authority"

(b) - - - - -

(c) - - - - -

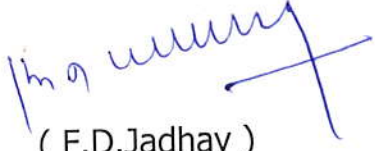
(d) - - - - -

(e) - - - - -

6. It can be seen from the impugned advertisement that the Respondent-Agent has shown images of the building and the details of the carpet area of the flats as well as MahaRERA registration number of the agent viz A52100001379. The said advertisement itself clearly shows that this Respondent-Agent is facilitating the sale or purchase of the apartment in a real estate project, being sold by the Promoter which is not registered with the MahaRERA Authority. It manifestly shows that this Respondent-Agent has violated the provisions of the Section-10(a) of the Act, 2016. Therefore this Respondent-Agent is liable for penalty under Section-62 of the Act, 2016.
7. Taking into consideration the aforestated facts on record as well as relevant provisions of law and voluntary admission by

Respondent-Agent for publishing the impugned advertisement, this is a fit case to impose penalty under Section-62 of the Act, 2016 for violation of Section-10(a) of the Act, 2016.

8. In view of above the penalty of Rs.20,000/- is imposed upon the Respondent-Agent under Section-62 of the Act, 2016 for violation of Section-10(a) of the Act, 2016.
9. The penalty imposed hereinabove shall be payable by the Respondent-Agent within a period of 30 days from the date of this order, failing which Respondent Agent is liable to further penalty of Rs.250/- per day, in addition, till the realization of entire amount.
10. The Technical and Finance Department of the MahaRERA Authority shall verify the payment of the said penalty before processing any applications by the Respondent Agent for renewal, corrections, change of name etc., with respect to his registration with MahaRERA.


(F.D.Jadhav)
Dy.Secretary-Cum-Head,
MahaRERA, Pune